

- UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

4. I obtained the information contained in Exhibits A and B from the public records of the United States Patent and Trademark Office (“PTO”), which are available on the Internet at [www.uspto.gov](http://www.uspto.gov). Specifically, the applicable records are contained in the PTO’s Trademark Electronic Search System (“TESS”) and Trademark Application and Registration Retrieval database (“TARR”).

5. I regularly use the PTO’s TESS and TARR databases in my practice of trademark law. I have found these public records to be very reliable and to accurately reflect the information contained in actual trademark files.

6. Exhibit A is a table consisting of the forty-seven (47) purported “Cuban” trademark registrations that Plaintiff alleges have been unlawfully obtained or procured by Defendants. Exhibit A has been sorted so that registrations related to a specific family of trademarks (e.g., MONTECRISTO) have been grouped together. In addition, within each family of trademarks, Exhibit A has been sorted chronologically by registration date, from the newest to oldest registration.

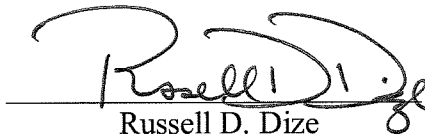
7. Exhibit B is a table consisting of the six (6) registrations referenced in the Complaint that contain or concern the term “Dutch,” including four (4) registrations relating to the DUTCH MASTERS trademark (one of which is a design only), as well as registrations for DUTCH TREATS and DUTCHIES.

8. Plaintiff’s Complaint references three (3) registrations that have not been included in Exhibits A and B, namely, registrations for the trademarks ROYAL CUBAN, ROYAL HAVANA and HAVANA SWEETS. These registrations have not been included in Exhibits A and B because Plaintiff does not allege that they are “Cuban” trademarks that were unlawfully obtained or procured, and they have no relation to the term “Dutch.”

9. According to the TESS and TARR databases, all fifty-six (56) trademark registrations that Plaintiff seeks to cancel in Count 7 of his Complaint are owned either by Max Rohr, Inc. or Cuban Cigar Brands, N.V., and the DUTCH TREATS registration is owned exclusively by Max Rohr, Inc.

I hereby declare that the foregoing is true and correct under penalty of perjury.

Dated: April 7, 2010

  
Russell D. Dize

PRAKASH V. ALTADIS U.S.A. INC. ET AL. ALLEGED "CUBAN" TRADEMARK REGISTRATIONS/APPLICATIONS REFERENCED IN AMENDED COMPLAINT						
TRADEMARK	REFERENCED IN COUNTS	REFERENCED IN PARAGRAPHS	REGISTRATION NUMBER	REGISTRATION DATE	FIRST USE IN COMMERCE	CURRENT OWNER
H. UPMANN	1, 7	37; 103-107; 149-151; 277; 279-283	2649682	11/12/2002	5/17/1997	Cuban Cigar Brands, N.V.
H. UPMANN	1, 7	37; 103-107; 149-151; 277; 279-283	2494136	10/2/2001	5/1/1997	Cuban Cigar Brands, N.V.
H. UPMANN	1, 7	37; 103-107; 149-151; 277; 279-283	2483762	8/28/2001	5/1/1997	Cuban Cigar Brands, N.V.
H. UPMANN	1, 7	37; 103-107; 149-151; 277; 279-283	2435147	3/13/2001	0/0/1846	Cuban Cigar Brands, N.V.
H. UPMANN 2000	1, 7	37; 103-107; 149-151; 277; 279-283	2300653	12/14/1999	4/30/1999	Cuban Cigar Brands, N.V.
THAT'S ONE-UPMANSHIP	1, 7	37; 103-107; 149-151; 277; 279-283	2225396	2/23/1999	0/0/1987	Cuban Cigar Brands, N.V.
H. UPMANN APERITIFS	1, 7	37; 103-107; 149-151; 277; 279-283	1874115	1/17/1995	6/28/1988	Cuban Cigar Brands, N.V.
H. UPMANN	1, 7	37; 103-107; 149-151; 277; 279-283	0089518	12/17/1912	0/0/1846	Cuban Cigar Brands, N.V.
MONTECRISTO CLASSIC COLLECTION	1, 7	37; 108-112; 152-155; 276; 279-283	Serial # 78554967	pending	7/21/2005	Cuban Cigar Brands, N.V.
MONTECRISTO EDMUNDO	1, 7	37; 108-112; 152-155; 276; 279-283	Serial # 77653247	pending	6/4/2007	Cuban Cigar Brands, N.V.
CASA DE MONTECRISTO	1, 7	37; 108-112; 152-155; 276; 279-283	3665071	8/4/2009	3/3/2009	Cuban Cigar Brands, N.V.
MONTECRISTO	1, 7	37; 108-112; 152-155; 276; 279-283	3154457	10/10/2006	6/19/2006	Cuban Cigar Brands, N.V.
MONTECRISTO CASINO	1, 7	37; 108-112; 152-155; 276; 279-283	2872359	8/10/2004	5/13/2003	Cuban Cigar Brands, N.V.
MONTECRISTO	1, 7	37; 108-112; 152-155; 276; 279-283	2855557	6/22/2004	1/0/2002	Cuban Cigar Brands, N.V.
WORLD OF MONTECRISTO	1, 7	37; 108-112; 152-155; 276; 279-283	2673772	1/14/2003	8/15/1999	Cuban Cigar Brands, N.V.
MONTECRISTO	1, 7	37; 108-112; 152-155; 276; 279-283	2623858	9/24/2002	10/31/2000	Cuban Cigar Brands, N.V.
MONTECRISTO	1, 7	37; 108-112; 152-155; 276; 279-283	2594564	7/16/2002	2/1/2002	Cuban Cigar Brands, N.V.
THE WORLD OF MONTECRISTO MONTE CRISTO	1, 7	37; 108-112; 152-155; 276; 279-283	2555239	4/2/2002	8/15/1999	Cuban Cigar Brands, N.V.
MONTECRISTO	1, 7	37; 108-112; 152-155; 276; 279-283	2396980	10/24/2000	8/0/1997	Cuban Cigar Brands, N.V.
MONTE CRISTO	1, 7	37; 108-112; 152-155; 276; 279-283	2304416	12/28/1999	5/28/1998	Cuban Cigar Brands, N.V.
MONTE CRISTO	1, 7	37; 108-112; 152-155; 276; 279-283	2236889	4/6/1999	2/18/1998	Cuban Cigar Brands, N.V.
MONTE CRISTO	1, 7	37; 108-112; 152-155; 276; 279-283	1435633	4/7/1987	10/1/1960	Cuban Cigar Brands, N.V.
MONTECRISTO	1, 7	37; 108-112; 152-155; 276; 279-283	1173547	10/13/1981	7/25/1935	Cuban Cigar Brands, N.V.
MONTE CRISTO	1, 7	37; 108-112; 152-155; 276; 279-283	0332324	2/11/1936	7/25/1935	Cuban Cigar Brands, N.V.
POR LARRANAGA	1, 7	37; 113-117; 156-159; 278-283	2866858	7/27/2004	3/0/1892	Cuban Cigar Brands, N.V.
POR LARRANAGA	1, 7	37; 113-117; 156-159; 278-283	2862913	7/13/2004	3/0/1892	Cuban Cigar Brands, N.V.
POR LARRANAGA	1, 7	37; 113-117; 156-159; 278-283	1133823	4/22/1980	3/0/1892	Cuban Cigar Brands, N.V.
POR LARRANAGA	1, 7	37; 113-117; 156-159; 278-283	0277131	11/4/1930	3/0/1892	Cuban Cigar Brands, N.V.
POR LARRANAGA MARCA INDEPENDIENTE DE TABACOS LARRANAGA	1, 7	37; 118-122; 156-159; 278-283	0277130	11/4/1930	9/0/1908	Cuban Cigar Brands, N.V.
ROMEOS	1, 7	36; 123-125; 163-165; 295-300	2779761	11/4/2003	8/1/2002	Max Rohr, Inc.
JULIETAS	1, 7	36; 123-125; 163-165; 295-300	2422086	1/16/2001	8/2/2000	Max Rohr, Inc.
ROMEO Y JULIETA	1, 7	36; 123-125; 163-165; 295-300	1047827	9/7/1976	3/10/1975	Max Rohr, Inc.
Exhibit A						

PRAKASH V. ALTADIS U.S.A. INC. ET AL.		ALLEGED "CUBAN" TRADEMARK REGISTRATIONS/APPLICATIONS REFERENCED IN AMENDED COMPLAINT								
TRADEMARK	REFERENCED IN COUNTS	REFERENCED IN PARAGRAPHS	REGISTRATION NUMBER	REGISTRATION DATE	FIRST USE IN COMMERCE	CURRENT OWNER				
TTT TRINIDAD TRINIDAD TRINIDAD CENTROFINOS DIEGO TRINIDAD Y HERMANO, S.A. PRUEBE...Y COMPARE	1, 7	36; 126-128; 160-162; 289-294	2915420	1/4/2005	10/15/1997	Max Rohr, Inc.				
	1, 7	36; 126-128; 160-162; 289-294	2824209	3/23/2004	5/0/1997	Max Rohr, Inc.				
	1, 7	36; 126-128; 160-162; 289-294	2824212	3/23/2004	7/0/1961	Max Rohr, Inc.				
	1, 7	36; 126-128; 160-162; 289-294	2742149	7/29/2003	12/1/1998	Max Rohr, Inc.				
LA CORONA WHIFFS LA CORONA / WHIFFS LA CORONA LA CORONA LA CORONA	1, 7	36; 129-131; 178-180; 295-300	1370472	11/12/1985	2/24/1972	Max Rohr, Inc.				
	1, 7	36; 129-131; 178-180; 295-300	1369397	11/5/1985	2/24/1972	Max Rohr, Inc.				
	1, 7	36; 129-131; 178-180; 295-300	0862283	12/24/1968	5/17/1968	Max Rohr, Inc.				
	1, 7	36; 129-131; 178-180; 295-300	0163335	1/9/1923	3/0/1882	Max Rohr, Inc.				
	1, 7	36; 129-131; 178-180; 295-300	0092892	8/5/1913	0/0/1854	Max Rohr, Inc.				
CABANAS H DE CABANAS CABS Y CARBAJAL	1, 7	36; 129-131; 181-183; 295-300	0678758	5/19/1959	0/0/1895	Max Rohr, Inc.				
	1, 7	36; 129-131; 181-183; 295-300	0313205	5/22/1934	0/0/1795	Max Rohr, Inc.				
SAINT LUIS REY	1, 7	36; 129-131; 166-168; 295-300	1186087	1/12/1982	2/6/1980	Max Rohr, Inc.				
QUINTERO	1, 7	36; 129-131; 172-174; 295-300	1185096	1/5/1982	2/6/1980	Max Rohr, Inc.				
GISPERT	1, 7	36; 129-131; 169-171; 295-300	1174476	10/20/1981	2/6/1980	Max Rohr, Inc.				
JUAN LOPEZ	1, 7	36; 129-131; 175-177; 295-300	1174477	10/20/1981	2/6/1980	Max Rohr, Inc.				

PRAKASH V. ALTADIS U.S.A. INC. ET AL.		TRADEMARK REGISTRATIONS REFERENCED IN AMENDED COMPLAINT RELATED TO TERM "DUTCH"							
TRADEMARK		REFERENCED IN COUNTS	REFERENCED IN PARAGRAPHS	REGISTRATION NUMBER	REGISTRATION DATE	FIRST USE IN COMMERCE	CURRENT OWNER		
DUTCHIES		1, 5, 7	36; 196; 252-253; 270-271; 273-275	3015985	11/15/2005	8/8/2005	Max Rohr, Inc.		
DUTCH MASTERS		1, 5, 7	35; 196; 252-253; 270-275	1696406	6/23/1992	4/10/1911	Max Rohr, Inc.		
DUTCH MASTERS DESIGN (note: design only)		1, 5, 7	35; 196; 252-253; 270-275	1324943	3/12/1985	4/10/1911	Max Rohr, Inc.		
DUTCH TREATS		1, 2, 3, 4, 5, 7	34; 38; 41; 196-197; 222; 237; 245; 252-253; 270-271; 273-275	0889636	4/21/1970	4/11/1969	Max Rohr, Inc.		
DUTCH MASTERS		1, 5, 7	35; 196; 252-253; 270-275	0502797	10/12/1948	4/10/1911	Max Rohr, Inc.		
DUTCH MASTERS		1, 5, 7	35; 196; 252-253; 270-275	0232114	8/30/1927	4/10/1911	Max Rohr, Inc.		